IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

SA.No. 820 of 1992()

AS.83/1988 of DISTRICT COURT, MANJERI
OS.32/1983 of MUNSIFF COURT, MANJERI
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PLAINTIFF/APPELLANT/APPELLANT:

MUHAMMED HAJI, S/O.CHOLAKKAPARAMBAN
AHAMMED, AGED 65 YEARS, RESIDING AT
KARUVAMBARAM AMSOM AND DESOM
ERNAD TALUK, MALAPPURAM DISTRICT. (DIED)

ADDL.2 KADEESUMMA, W/O.MUHAMMED HAJI,
CHOLAKKAPARAMBU, KARUVAMPRAM AMSOM, DESOM,
ERNADU TALUK, NARUKARA VILLAGE, MALAPPURAM DISTRICT.

3. KUNHIMUHAMMED, S/O.MUHAMMED HAJI,
CHOLAKKAPARAMBU, KARUVAMPRAM AMSOM, DESOM,
ERNADU TALUK, NARUKARA VILLAGE, MALAPPURAM DISTRICT.

4. ASSAIN, S/O.MUHAMMED HAJI,
CHOLAKKAPARAMBU, KARUVAMPRAM AMSOM, DESOM,
ERNADU TALUK, NARUKARA VILLAGE, MALAPPURAM DISTRICT.

5. PATHUMMA, D/O.MUHAMMED HAJI,
CHOLAKKAPARAMBU, KARUVAMPRAM AMSOM, DESOM,
ERNADU TALUK, NARUKARA VILLAGE, MALAPPURAM DISTRICT.

6. MARIYUMMA, W/O.MUHAMMED HAJI,
CHOLAKKAPARAMBU, KARUVAMPRAM AMSOM, DESOM,
ERNADU TALUK, NARUKARA VILLAGE, MALAPPURAM DISTRICT.

7. ABDULLA, S/O.MUHAMMED HAJI,
CHOLAKKAPARAMBU, KARUVAMPRAM AMSOM, DESOM,
ERNADU TALUK, NARUKARA VILLAGE, MALAPPURAM DISTRICT.

8. IBRAHIM, S/O.MUHAMMED HAJI,
CHOLAKKAPARAMBU, KARUVAMPRAM AMSOM, DESOM,
ERNADU TALUK, NARUKARA VILLAGE, MALAPPURAM DISTRICT.

9. UMMAR, S/O.MUHAMMED HAJI,
CHOLAKKAPARAMBU, KARUVAMPRAM AMSOM, DESOM,
ERNADU TALUK, NARUKARA VILLAGE, MALAPPURAM DISTRICT.

10. MAIMOONA, D/O.MUHAMMED HAJI,
CHOLAKKAPARAMBU, KARUVAMPRAM AMSOM, DESOM,
ERNADU TALUK, NARUKARA VILLAGE, MALAPPURAM DISTRICT.

11. SALEENA, D/O.MUHAMMED HAJI,
CHOLAKKAPARAMBU, KARUVAMPRAM AMSOM, DESOM,
ERNADU TALUK, NARUKARA VILLAGE, MALAPPURAM DISTRICT.

ADDL.APPELLANTS 2 TO 11 IMPLEADED AS LEGAL HERIS OF THE DECEASED APPELLANT VIDE JUDGMENT DATED 11.12.2006)

BY ADV. SRI.R.RAMADAS

DEFENDANTS/RESPONDENTS/RESPONDENTS:
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1. KAMALAKSHI AMMA, AGED 60 YEARS, D/O.PULLANUR
KARUVAMPURAM KALLIANI AMMA, RESIDING AT
PUNNAPPALA AMSOM AND DESOM, ERNAD TALUK.

2. * RAJARATNA MENON, AGED 55 YEARS,
DO. DO. (DIED)

3. SEHU MADHAVAN, S/O.KAMALAKSHI AMMA
DO. DO.

4. KALLIANIKUTTY, D/O. DO.
DO. DO.

ADDL.5 SARADHA AMMA, W/O.LATE RAJARATHNA MENON
ELEDATH KALAM, P.O.PUNNAPPALA,
VIA WANDOOR, MALAPPUAM DISTRICT.

6. MALINI, D/O.LATE RAJARATHNA MENON,
DO. DO.

7. USHA, D/O.LATE RAJARATHNA MENON,
DO. DO.

8. JYOTHILAKSHMI, D/O.LATE RAJARATHNA MENON,
DO. DO.

(ADDL.RESPONDENTS 5 TO 8 IMPLEADED AS LEGAL HEIRS OF DECEASED 2ND RESPONDENT VIDE JUDGMENT DATED 11.12.2006)

R2 TO R8 SMT.PREETHY KARUNAKARAN
SRI.R.RAJESH KORMATH
SRI.ANISH S.AMBADY
SMT.BIJIMOL JOSE
BY ADV. SRI.P.N.RAVINDRAN
SMT.MEENA.A.
SMT.M.R.MINI
SRI.JAYKAR.K.S.

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

S.A.No.820 OF 1992 & C.M.Appl.792/06,
I.A.2565/06,I.A.2566/06, C.M.Appl.793/06,
I.A.2568/06 and I.A.2567/06

Dated this the 11th day of December, 2006

JUDGMENT

Perused the affidavits. I am satisfied that sufficient grounds are made out for the reliefs sought for in these petitions. All applications are, therefore, allowed.

Learned counsel for the appellants submits that the matter is settled out of court between parties. The second appeal is therefore dismissed as withdrawn.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

S.A.NO.820 OF 1992

JUDGMENT

11TH DECEMBER, 2006.

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